

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.-34. (Canceled).

35. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a transceiver configured to communicate over a plurality of wireless channels with a transmitter in a base station; and

the transceiver is further configured to receive data traffic from at least one data buffer in the base station over a data ~~at least one wireless channel transmitted from the transmitter in the base station and to receive control data indicative of a data rate associated with the data traffic over a control channel;~~

wherein the transceiver is dynamically assigned additional data traffic channels for receiving at least one wireless channel for receiving data traffic from the base station based on an urgency factor indicative of the urgency of the data traffic to be transmitted from the at least one data buffer in the base station.

36. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor is determined using the amount of data traffic present in the at least one data buffer in the base station.

37. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor represents the need for the CDMA user device to receive data traffic over at least one wireless channel.

38. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor permits the dynamically allocating of an optimum number of wireless channels to the CDMA user device for receiving data traffic.

39. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor is used to determine channel allocation on a per CDMA user device basis.

40. (Previously Presented) The CDMA user device according to claim 35, wherein the urgency factor is used to determine channel allocation based on the data type of the data traffic.

41. (Previously Presented) The CDMA user device according to claim 35, wherein the CDMA user device is associated with at least one data buffer in the base station.

42. (Previously Presented) The CDMA user device according to claim 35, wherein the at least one buffer in the base station is configured to store data traffic to be transmitted to the CDMA user device.

43. (Previously Presented) The CDMA user device according to claim 35, wherein the data traffic comprises packet data corresponding to a particular traffic

type attribute.

44. (Previously Presented) The CDMA user device according to claim 35, wherein the at least one data buffer is a memory structure controlled by a software application.

45. (Previously Presented) The CDMA user device according to claim 35, wherein the at least one data buffer is hardware controlled by a fast cache memory.